

REMARKS

Claims 1 to 9 are now pending. Applicants respectfully request reconsideration of the present application in view of this response.

35 U.S.C. § 102(b) – Muntz Reference

Claims 1 to 3 and 5 to 9 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,896,427 to Muntz et al. ("Muntz reference").

Applicants respectfully submit that the Muntz reference does not identically describe or suggest each and every feature of the claims, as required for anticipation.

The Muntz reference appears to have issued (and first published) on April 20, 1999. The statute 35 U.S.C. § 102(b) requires that a reference is prior art if patented or published more than one year prior to the date of the application for patent in the United States. The present application was filed as International Patent Application No. PCT/EP98/03086, designating the U.S., on May 26, 1998, entered the US national stage on July 22, 1999, and fulfilled all 35 U.S.C. § 371(c) requirements by March 7, 2000. Accordingly, the Muntz reference having an issue date of April 20, 1999, cannot serve as a 35 U.S.C. § 102(b) prior art reference with respect to the present application. Thus, Applicants respectfully request withdrawal of the Muntz reference.

Further, Applicants respectfully submit that the Muntz reference – had it been appropriate – would not have rendered claims 1 to 3 and 5 to 9 anticipated. The Muntz reference is not believed to identically describe the device of claim 1 for receiving data transmitted using asynchronous data transmission technology, a data-independent clock signal being added to the device, having a memory device, which stores the received data for the required period of time in order to compensate for transmission delays, and that the clock signal is sent to the memory device for readout of the data.

Accordingly, Applicants respectfully submit that claims 1 to 3 and 5 to 9 are allowable.

35 U.S.C. § 103(a) – Muntz Reference, "Official Notice"

Claim 4 was rejected under 35 U.S.C. § 103(a) as unpatentable over the Muntz reference in view of an "Official Notice."

Applicants respectfully submit that the Muntz reference, alone or in combination with any appropriate Official Notice, does not teach or suggest the present invention, as in claim 4. The Muntz reference does not describe each and every feature of claim 4 including that the device for receiving data transmitted using asynchronous data transmission technology, a data-independent clock signal being added to the device, having a memory device, which stores the received data for the required period of time in order to compensate for transmission delays, and that the clock signal is sent to the memory device for readout of the

data, and that the FIFO memory is dimensioned so that the received data are storable for a period of preferably 100 Φ s to 250 Φ s per switching node. Specifically, as highlighted in the Office Action, the Muntz reference does not teach or suggest that the FIFO memory is dimensioned so that the received data are storable. Further, neither the Muntz reference nor the Official Notice provide for the additional feature of claim 4 providing that the data are storable for a period of preferably 100 Φ s to 250 Φ s per switching node. And, as noted above, the Muntz reference is not believed to suggest each and every feature of claim 1, from which claim 4 depends. Accordingly, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a) of claim 4 over the Muntz reference. Applicants respectfully submit that claim 4 is allowable.

CONCLUSION

In view of the foregoing, it is believed that the rejections of the claims under 35 U.S.C. §§ 102(b), 103(a), have been overcome, and that claims 1 to 9 are allowable. It is therefore respectfully requested that any rejections be withdrawn, and that the present application issue as early as possible.

Respectfully submitted,
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